

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Jun 16, 2021**Eastern District of Washington**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Charles Leo Costner

Case Number: 0980 2:20CR00157-TOR-1

Address of Offender: 606 E. Indiana APT #5, Spokane, Washington 99207

Name of Sentencing Judicial Officer: The Honorable B. Lynn Winmill, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: January 25, 2008

Original Offense: Unlawful Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 120 months Type of Supervision: Supervised Release
TSR - 36 monthsRevocation Sentence: Prison- 8 months
(August 8, 2019) TSR- 28 months

Asst. U.S. Attorney: Michael James Austen Ellis Date Supervision Commenced: January 8, 2020

Defense Attorney: Lorinda Meier Youngcourt Date Supervision Expires: May 7, 2022

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 04/28/2021 and 05/06/2021.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

5	<u>Mandatory Condition #1:</u> You must not commit another federal, stated or local crime.
---	---

Supporting Evidence: Mr. Costner is alleged to have violated mandatory condition number 1 by being charged with two counts of third degree assault - weapon or negligent injury on June 11, 2021.

On January 9, 2020, Mr. Costner was given a copy of his judgment and his conditions of supervision were explained to him. He indicated he fully understood his conditions and the expectations of supervision.

On June 14, 2021, Mr. Costner called the undersigned officer to report he had been arrested on June 11, 2021. He was released from custody the following day by Spokane County Superior Court and has an initial appearance scheduled for June 15, 2021.

On June 14, 2021, the undersigned officer was able to verify what transpired during the alleged assault by reviewing Spokane Police Department's (SPD) incident report #2021-

Prob12C

Re: Costner, Charles Leo**June 15, 2021****Page 2**

20095592 and speaking to Mr. Costner. On June 11, 2021, at 9:50 p.m., SPD officers were dispatched to an apartment complex located next door to the offender's apartment. A witness reported a group of people outside the apartment who were being very loud and disrespectful to the rest of the tenants at the apartment complex. Mr. Costner's girlfriend is the apartment manager. She walked over to the apartment to ask the group to quiet down. The tenants did not comply with this request, and allegedly began threatening Mr. Costner's girlfriend by saying they would "slit her throat."

Upon hearing these threats, Mr. Costner came downstairs to confront the individuals. He asked them to quiet down and to not be disrespectful to his girlfriend. When they said they would not, Mr. Costner allegedly kicked one of the two individuals and sprayed them with bear mace. One of the individuals put Mr. Costner in a choke-hold and Mr. Costner's girlfriend ran down and broke up the fight.

Law enforcement took Mr. Costner into custody as he was the primary aggressor in the fight. On June 12, 2021, Mr. Costner was released from custody without bond.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 06/15/2021


s/Joshua D. Schull

Joshua D. Schull

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☒ Other: All pending violations will be addressed at the Revocation of Supervised Release hearing schedule for 7/8/2021.


Thomas O. Rice

United States District Judge

June 16, 2021

Date